

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ARTURO TORRES OCHOA,

Case No. 3:13-cv-00693-MMD-VPC

Plaintiff,

ORDER

v.

J. POSEY, et al.,

Defendants.

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has submitted an application to proceed *in forma pauperis* (dkt. no. 1) and a civil rights complaint pursuant to 42 U.S.C. § 1983. On at least three occasions this Court has dismissed actions commenced by plaintiff while he was a prisoner because they were frivolous or malicious or because they failed to state a claim upon which relief can be granted.<sup>1</sup> Plaintiff cannot proceed *in forma pauperis* in this action unless he is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Plaintiff has not alleged, and the subject matter of this action does not indicate, that he is in imminent danger of serious physical injury. Plaintiff must pre-pay the filing fee in full.

Plaintiff also has submitted an application to file the complaint without the financial certificate and statement of his inmate account (dkt. no. 3). This motion is moot because, pursuant to 28 U.S.C. § 1915(g), plaintiff is unable to proceed *in forma pauperis*.

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<sup>1</sup>See *Ochoa v. Cook*, 3:02-cv-00450-DWH-RAM; *Ochoa v. Willis*, 3:02-cv-00545-ECR-VPC; *Ochoa v. Putter*, 3:10-cv-00364-HDM-RAM.

1 It is therefore ordered that plaintiff's application to proceed *in forma pauperis* (dkt.  
2 no. 1) is denied. Plaintiff shall pay the full filing fee of three hundred fifty dollars  
3 (\$350.00) within thirty (30) days of the date that this order is entered. Failure to comply  
4 with this order will result in the dismissal of this action.

5 It is further ordered that the Clerk of the Court shall provide plaintiff with two (2)  
6 copies of this order. Plaintiff is ordered to make the necessary arrangements to have  
7 one (1) copy of this order attached to the check in the amount of the designated fee.

8 It is further ordered that plaintiff's application to file the complaint without the  
9 financial certificate and statement of his inmate account (dkt. no. 3) is denied as moot.

10 DATED THIS 10<sup>th</sup> day of February 2014.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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